



UNITED STATES PATENT AND TRADEMARK OFFICE

mn

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,663	03/18/2004	Kevin M. Ferguson	7775 US	8009

30078 7590 05/04/2007

MATTHEW D. RABDAU
TEKTRONIX, INC.
14150 S.W. KARL BRAUN DRIVE
P.O. BOX 500 (50-LAW)
BEAVERTON, OR 97077-0001

EXAMINER

YAARY, MICHAEL D

ART UNIT	PAPER NUMBER
----------	--------------

2193

MAIL DATE	DELIVERY MODE
-----------	---------------

05/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,663

Applicant(s)

FERGUSON, KEVIN M.

Examiner

Michael Yaary

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-7 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (hereafter Harris)(US Pat. 5,325,318) in view of Applicant Admitted Prior Art (hereafter AAPA).

4. **As to claim 1**, Harris discloses a filter having a variable passband comprising:

A filter circuit having as inputs a signal to be filtered (a forward signal) and a reverse version of the signal to be filtered (a reverse signal) (filter of figure 10, and column 6, lines 5-10), and having as an output a filtered signal as a function of a variable coefficient (column 6, lines 19-21).

5. Harris does not disclose a variable equivalent sample rate coefficient converter having an initial coefficient as an input together with a variable resampling rate

parameter that determines the variable passband, and providing as an output the variable coefficient as a function of the variable resampling rate parameter.

However, AAPA discloses a variable equivalent sample rate coefficient converter having an initial coefficient as an input together with a variable resampling rate parameter that determines the variable passband, and providing as an output the variable coefficient as a function of the variable resampling rate parameter (Prior art of a variable equivalent sample rate coefficient converter disclosed in figure 1.).

6. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Harris, by incorporating a variable equivalent sample rate coefficient converter, as taught by AAPA, in order to produce a continuously variable bandwidth in a signal processing application.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of AAPA as applied to claim 1 above, and further in view of Levien (US Pat. 5,337,264).

8. **As to claim 2**, Harris and AAPA disclose means for combining the first and second filtered signals with the forward signal to provide the filtered signal (Harris column 6, lines 21-27).

Art Unit: 2193

9. Harris and AAPA do not disclose a first IIR filter having the forward signal and the variable coefficient as inputs, and providing as an output a first filtered signal; and a second IIR filter having the reverse signal and the variable coefficient as inputs, and providing as an output a second filtered signal.

However, Levien discloses a first IIR filter having the forward signal and the variable coefficient as inputs, and providing as an output a first filtered signal (abstract lines 1-13 and column 7, lines 35-42); and

A second IIR filter having the reverse signal and the variable coefficient as inputs, and providing as an output a second filtered signal (abstract lines 1-13 and column 7, lines 35-42);

10. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Harris and AAPA, by a first and second IIR filter, as taught by Levien, for the benefit of creating symmetric filtering, thus filtering desired frequencies while preserving phase).

11. **As to claim 3**, Harris further discloses a summing circuit having as inputs the first and second filtered signals and the forward signal, and providing as an output the filtered signal (summing circuit/adder 212 of figure 10).

Allowable Subject Matter

12. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Yaary whose telephone number is (571) 270-1249. The examiner can normally be reached on Monday-Friday, 8:00 a.m - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**